

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN DON HARGROVE**, on March 1, 2001 at
10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 21, HB 271, HB 326,
2/7/2001
Executive Action: HB 21, HB 271

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HEARING ON HB 21

Sponsor: REP. BILL EGGERS, HD 6, Crow Agency

Proponents: Karl Ons, Lt. Gov.

Loren Stiffarm, RJS & Associates
D.L. Clayborn, Gov. Office of Indian Affairs

**Ben Speakthunder, Fort Bellwood Indian Community
Counsel**

REP. NORMA BIXBY, HD 5

REP. JOEY JAYNE, HD 73

Steve Wade, Montana Rural Water Systems

Betty Whiting, Montana Association of Churches

Lloyd Irvine, Tribal Council

Webb Brown, Montana Chamber of Commerce

REP. CAROL JUNEAU, HD 85

Jim Campbell, Montana Catholic Conference

Opponents: None

Opening Statement by Sponsor:

REP. BILL EGGERS, HD 6, Crow Agency, said this bill came about as a result of HB 670. He told the committee this bill would: (1) conduct a study to establish how much money actually would come to the reservations, (2) establish strengths and weaknesses on the reservations, and (3) begin the grant application funding process. **REP. EGGERS** stated that a firm had been hired to determine the economic conditions on the reservations. This bill would clean up HB 670 and make the Office of Indian Affairs more efficient. HB 21 adds the following to HB 270: (1) adds the Little Shell tribe, (2) provided for tribal advertisement of position vacancies, (3) allows the tribes to develop a list of applicants to submit to the Governor, (4) changes the term of office of the commissioners, and (5) increases commission membership from six to seven.

Proponents' Testimony:

Karl Ons, Lieutenant Governor, told the committee the Governor's office supported this bill.

Loren Stiffarm, RJS & Associates, Inc., EXHIBIT(sts47a01) presented the committee with an explanation of the Montana Reservation Assessment report.

D. L. Clayborn, Coordinator of Indian Affairs, urged the committee to pass HB 21.

Ben Speakthunder, Fort Bellwood Indian Community Counsel, said this bill would foster the relationship between the Indian community and the government.

REP. NORMA BIXBY, HD 5, expressed support for this bill.

REP. JOEY JAYNE, HD 73, supported HB 21.

Steve Wade, Montana Rural Water Systems, encouraged support for HB 21.

Betty Whiting, Montana Association of Churches, told the committee her association was concerned about those in poverty in the state and was seeking economic justice for all Montanans.

Lloyd Irvine, Tribal Council, urged support.

Webb Brown, Montana Chamber of Commerce, supported the economic intent of this bill.

REP. CAROL JUNEAU, HD 85, supported this bill while recommending an extension to the year 2004-2005 to allow time for the bill to work. She said the reservations were a huge part of economic development in the state. **REP. JUNEAU** stated if something wasn't done for the reservations, they would be selling all of Montana short.

Jim Campbell, Montana Catholic Conference, supported this bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. DON HARGROVE asked **REP. EGGERS** if the \$150,000 referred to in this bill was part of the \$300,000 delegated in HB 670. **REP. EGGERS** answered that there had been \$250,000 delegated and there was now \$150,000 left.

SEN. HARGROVE asked **REP. EGGERS** if the bill would run into trouble in the House of Representatives if the committee extended the time limit to the year 2004-2005. **REP. EGGERS** replied that it was a good idea to extend the time to the year 2004-2005 to allow time for the process to work.

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SEN. HARGROVE asked **REP. EGGERS** if the time could be extended without requiring further appropriations. **REP. EGGERS** answered that it could because the money was already there.

SEN. HARGROVE asked **Ben Speakthunder** if the commission considered the legislature as the oversight in what the commission would do. **Ben Speakthunder** answered that was correct.

SEN. HARGROVE asked **Ben Speakthunder** if the commission would receive federal money, did the legislation require that they come to the legislature to get permission to proceed or were there things the commission could do on its own concerning federal resources. **Ben Speakthunder** answered that they could go either way.

SEN. KEN Toole asked **D. L. Clayborn** how long the process was for getting federal grants. **D. L. Clayborn** replied that they had already identified a federal source with implementation expected October 1, 2001.

SEN. TOOLE asked **D. L. Clayborn** how often the granting programs had continuing year funding. **D. L. Clayborn** responded that most federal programs ran in three year cycles, but that it depended on the agency involved and what the purpose was.

SEN. TOOLE asked **George Ochenski, Tribal Council**, if this would require more money. **George Ochenski** answered that it would not require more money because the money was already there and that the legislature does not approve federal grants.

SEN. JOHN BOHLINGER asked **REP. EGGERS** what the reason was for delay if the survey was begun in 2001. **REP. EGGERS** answered the reasons for the delay were: (1) there was a position vacancy and time was lost in locating a new person for the position, (2) because of the previously stated vacancy, that delayed the process from starting, (3) many tribal dignitaries had been appointed who were busy and they didn't get started on this, and (4) there was delay in advertising for business partners.

SEN. BOHLINGER asked **REP. EGGERS** if the right people were now on the commission and did they have a focus and be able to move on. **REP. EGGERS** replied that, yes, the right people were on the commission, were focused, and were ready to begin.

SEN. PETE EKEGREN asked **REP. EGGERS** what effect would be in having the Little Shell included in this bill. **REP. EGGERS** responded this bill would make this tribe nationally certified since they were not certified when HB 670 passed through.

SEN. EKEGREN asked **REP. EGGERS** what the effect would be to the Little Shell when they became recognized. **REP. EGGERS** replied that the commission would determine priorities. He added that the Little Shell could not apply for some programs until being nationally recognized.

SEN. EKEGREN asked **REP. EGGERS** if this would bring the tribe together. **REP. EGGERS** said he was unsure, but this would provide the mechanism to give them options.

Closing by Sponsor:

REP. BILL EGGERS, HD 6, closed HB 21, by telling the committee that applications would be processed in 90 days, so there was a fast turn-around.

HEARING ON HB 271

Sponsor: REP. JOEY JAYNE, HD 73, Arlee

Proponents: Pam Bucy, Assistant Attorney General
Dane Woodgerd, Montana Department of Revenue
Russ Cater, Department of Public Health and Human Services

Opponents: None

Opening Statement by Sponsor:

REP. JOEY JAYNE, HD 73, Arlee, stated this bill would revise the time from 10 days to 60 days for parties to file an agreement after approval of the attorney general. This would provide a more efficient and effective process, she added.

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Proponents' Testimony:

Pam Bucy, Assistant Attorney General, explained HB 271, **EXHIBIT**(sts47a02) including extending time for filing tribal agreements.

Dane Woodgerd, Montana Department of Revenue, urged support for this bill.

Russ Cater, Department of Health and Human Services, urged support for HB 271.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REP. JOEY JAYNE, HD 73 closed HB 271.

HEARING ON HB 326

Sponsor: REP. KATHLEEN GALVIN-HALCRO, HD 48, Great Falls,

Proponents: Elaine Gravely, Secretary of State's Office

Opponents: None

Opening Statement by Sponsor:

REP. KATHLEEN GALVIN-HALCRO, HD 48, Great Falls, told the committee this bill would clarify that a person filing for an elective office could only run for one party.

Proponents' Testimony:

Elaine Gravely, Secretary of State's Office, supported HB 326.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SEN. TOOLE asked REP. GALVIN-HALCRO if it was legal to have two parties with the same nominee. REP. GALVIN-HALCRO responded that this bill would prevent the same person from running for the same office for different parties.

SEN. TOOLE asked REP. GALVIN-HALCRO if she was familiar with infusion. REP. GALVIN-HALCRO answered that she was not, but that this bill came about because of situations in the east.

SEN. TOOLE asked Elaine Gravely if this had happened in Montana. Elaine Gravely responded that this had happened in Billings.

SEN. BOHLINGER asked Elaine Gravely if this would prevent write-in efforts by the other party. Mrs. Gravely responded that it would not, but that a person could only file for one party.

SEN. JIM ELLIOTT asked Elaine Gravely if there was a provision stating that a candidate had to file an intention to be a write-in candidate in the primary. She answered that if no one had filed, then you would not need to file.

SEN. ED BUTCHER asked REP. GALVIN-HALCRO if this happened in Montana. REP. GALVIN-HALCRO replied that, yes, it happened mostly in precinct elections.

SEN. TOOLE asked **REP. GALVIN-HALCRO** if that was legal. She responded that it was legal, but this bill would prevent that from occurring in the future.

SEN. HARGROVE asked **Robert Throssell** what this bill would do to the Clerk and Recorders. **Robert Throssell** answered that they would handle the filing for local offices and that would clear up confusion.

SEN. HARGROVE asked **Elaine Gravely** if Section 2 was important information. She answered that with the way it was written, that section should be put back in.

SEN. HARGROVE asked **Elaine Gravely** if it was important to the Secretary of State to amend Section 2. **Elaine Gravely** answered that her office had not taken a position on this matter yet.

SEN. HARGROVE asked **Robert Throssell** the same question. He answered that there was some concern relating to the printing of the ballots.

SEN. HARGROVE asked **Elaine Gravely** if all parties had a symbol. **Mrs. Gravely** replied that she was not aware that they did.

Closing by Sponsor:

REP. GALVIN-HALCRO, HD 48 closed HB 326.

EXECUTIVE ACTION ON HB 21

Motion: **SEN. TOOLE** moved that **AMEND HB 21 TO THE YEAR 2005. BE AMENDED.**

Discussion:

SEN. TOOLE told the committee that federal grants took a long time.

SEN. EKEGREN agreed with **SEN. TOOLE.**

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SEN. BOHLINGER stated that he supported the amendment because **REP. EGGERS** indicated the right people were now in position and had a focus. He added that the period of time should be extended.

SEN. BUTCHER told the committee he was concerned about possibly starting new reservations.

SEN. TOOLE replied that reservations were created by treaties long ago and that this law would not do that.

SEN. BOHLINGER stated the Little Shell could buy land to live there, but it would not be a reservation.

SEN. BUTCHER expressed concern that there would be unintended results from this bill.

SEN. HARGROVE said this bill was an effort for economic development.

Motion/Vote: **SEN. EKEGREN** moved that **AMENDMENT HB002101 BE ADOPTED. Motion carried 7-0.**

Motion/Vote: **SEN. EKEGREN** moved that **HB 21 BE CONCURRED IN AS AMENDED. Motion carried unanimously.**

EXECUTIVE ACTION ON HB 271

Motion/Vote: **SEN. EKEGREN** moved that **HB 271 BE CONCURRED IN. Motion carried unanimously.**

ADJOURNMENT

Adjournment: 11:30 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts47aad)